

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare-Khammam District- Revision Petition filed by Smt. Parvathaneni Sarojini W/o P.Laxminarayana R/o Burada Raghavapuram(V) Enkoor(M) Khammam District aggrieved by the orders of the Addl. Agent to Govt. & P.O., ITDA, Bhadrachalam in CMA No. 193/2005 dated 22.9.2007 in respect of Land Sy No. 212 to an extent of acres 8.05 Gts in Burada Raghavapuram(V) Enkoor(M) Khammam District- Dismissed - Orders - Issued .

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 19

Dated: 29-04-2017

Read the following:-

- 1) Revision Petition filed by by Smt Parvathaneni Sarojini W/o P.Laxminarayana R/o Burada Raghavapuram(V) Enkoor(M) Khammam District Dt 01.02.2008.
- 2) Govt.Memo.No.1029/LTR.2/2008, dt 07.03.2008.
- 3) From the Addl. Agent to Government, Bhadrachalam, Khammam R.P.No.1029/LTR-2/07-2 (CMA.No.193/2005), dt.07.11.2008.

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ORDER

In the reference 1st read above, Smt. Parvathaneni Sarojini W/o P.Laxminarayana R/o Burada Raghavapuram(V) Enkoor(M) Khammam District aggrieved by the orders of the Addl. Agent to Govt.& P.O., ITDA, Bhadrachalam in CMA No. 193/2005 dated 22.9.2007 in respect of Land Sy. No. 212 to an extent of acres 8.05 Gts in Burada Raghavapuram(V), Enkoor(M), Khammam District.

2. In response to the reference 2nd read above, the Project Officer & Addl. Agent to Government, Bhadrachalam has furnished Para Wise Remarks and connected case records to Government vide reference 3rd read above.

3. The Main grounds of the case are that The Brief facts of the case is as follows:-

- The case is initiated on a report of the SDT (TW). Bhadrachalam dt. 19.7.2001. The respondent has entered the suit land after enforcement of the Reg. 1/59 r/w Reg. 1/70, which is void under law. Hence the suit land has been ejected to Government. As per the evidence placed before the court it is proved that the transfer of immovable property belonging to the Non-Tribal was made to the Non tribal in contravention of the sub section I of the section -3 as laid in the Andhra Pradesh (Scheduled Ares) Land Transfer Regulation 1959 read with the Regulation 1 of 1970 after commencement of the said Regulation and as such it is null and void.
- In exercise of the powers conferred on by the Sub Section 2(a) of the Section 3 of the Regulation 1 of 1959 the Special Deputy Collector, Tribal Welfare order ejectment of the respondent or whomsoever is in possession of the immovable property described in the schedule given below and direct that the immovable property in question be taken into Government custody under cover of panchanama and assign the same to the eligible Tribals, as per rules in force vide LTR case No. 237/2001/EN/C dt 26.5.2005.
- Aggrieved by the orders of Special Deputy Collector, Tribal Welfare, Bhadrachalam Smt. P.Sarojini has filed an Appeal Petition before the Addl. Agent to Govt. Bhadrachalam.
- As seen from the pahanis Chigurupati Seetha Ramaiah shown as pattadar. Sri Prathapu Ramaiah shown as enjoyer that means it is evident that the schedule land originally belongs to Chigurupati Seetha Ramaiah and pratap Ramaiah is only enjoyer. Even in 1990-91 also Chigurupati Seetha Ramaiah shown as pattadar and prathapaneni family is shown as enjoyer. But in the alleged will dt 6.10.1968 P.Ramaiah did not mention how he got the suit land at the time of executing the will. As per the pahani of 1969-69 Sri P.Ramaih is not owner of the land. As a result he cannot execute will for the land of Chigurupati Seetha Ramaiah. The alleged will is not believable. It is nothing to do with the case on hand. As seen from the Lower court Order Sri Laxminarayana appellant herein. Who is the respondent in Lower Court has not attended the court even after service of notice and filed any documents.

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- The another contention of the P.Sarojini, is that the lower court passed order on dead person. But it is not correct. As per the death certificate produced by the appellant reveals that P.Laxminarayana was died on 9.9.2006. Whereas the lower court was passed ejectment order on 26.5.2006 which is prior to death of the petitioner. Hence the contention of the appellant is not correct.
- P.Sarojini failed to prove his case and in the result the appeal is hereby dismissed and the lower court order is confirmed and the appeal was dismissed vide CMA No. 193/05, dt 22.9.2007.
- The Tahsildar, Enkoor was directed to take over the possession of the suit scheduled land to the Government custody under cover of panchanama and assign the same to the eligible tribals as per rules in force.
- Aggrieved by the order of Addl. Agent to Govt., Bhadrachalam Sri P.Sarojini has filed a Revision Petition before the Government against the orders of Addl. Agent to Govt., Bhadrachalam, the court after careful examination the Addl. Agent to Govt., Bhadrachalam was requested to send Parawise remarks and connected records vide Govt Memo dt 16.6.2008.
- The matter stood thus, Sri P.Sarojini has filed a WP No. 5312/2008 before the APHC, the Hon'ble APHC made the orders that directed the Government to expeditiously and in any event within a week consider and dispose of the interlocutory application of the petitioner for interim relief.

4. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before this authority as well as before the Addl.Agent to Govt it is observed that;

- The Revision Petitioners main plea is that her husband has purchased the land to an extent of 8-05 in S.No. 212 of BuradaRaghavapuram(v), Enkoor (m) through a sada saleded on 20.08.1966 and that she has been in continuous position from that date and hence the transfer is not hit by Act 1 of 59 read with Act 1 of 70.
- As seen from the copy of saleded stated to be executed by one Sri.Chigurupati Sitaramaiah it is evident that sale agreement was executed infavour of Sri. Prathapaneni Laxminarayana S/o Prathapaneni Ramaiah to an extent of Ac-6-00 gts land in S.No.212 on 20.08.1966. The said agreement is not sale deed. It was written on plain paper. Further the father is name of vendor is kept blank and location of the land is also not recorded. Hence it is clear that the sale agreement is a fake document.
- The Revision Petitioner is not able to produce the original sale agreement. Even the Revision Petitioner is unable to produce pahanis for continuous period from 1966 onwards either in her name or in the name of her husband. The sale agreement is created at a later date.
- Further as verified from file relating to CMANo.193/2005 (P 29 Cf) it is evident that Prathapaneni Ramaiah (Father -in-law of Revision Petitioner) has executed a will deed on 06.10.1968 on plain paper and distributed land to his 3 sons as detailed below

	Name	Sy.No	Extent of land
1.	P.Rangaiah	212	Ac 7-00
2.	P.Laxminarayana	212	Ac 7-00
3.	P.Venkaiah	212	Ac 7-00

- As seen from the sale agreement dt:20.08.1966 Sri.P.Laxminarayana purchased only Ac 6-00 of land and village name and the vendors father name is not recorded. Whereas the will deed indicates that he inherited Ac 7-00 from his father. But in the appeal the claim is for Ac 8-05 gts. All these issues are contradicting with each other. It is built up case.

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5. Government after careful examination of the matter here by dismissed the appeal of Sri Danthala NageswarRao and hereby upheld the orders of Addl.Agent to Government and Project Officer, ITDA, Bhadrachalam Dt:29.12.2007 in CMA No:179/2005.

6. The Addl.Agent to Government and Project Officer, ITDA, Bhadrachalam, Bhadradri Kothagudem District shall take necessary further action accordingly. The original case records received in the reference 3rd read above are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

SOMESH KUMAR,
PRINCIPAL SECRETARY TO GOVERNMENT

To

- 1) Smt Parvathaneni Sarojini W/o P.Laxminarayana
R/o Burada Raghavapuram(V) Enkoor(M) Khammam District .
- 2)The Project Officer, ITDA and
Additional Agent to Government,
Bhadrachalam, Bhadradri Kothagudem District(w.e.)

Copy to :

The Special Dy. Collector (TW), Bhadrachalam,
Bhadradri Kothagudem District for information and necessary action.
The Tahsildar, erstwhile Ellandu Taluk and presently Enkur Mandal,
Khammam District for necessary action.
P.S to M(TW)/P.S. to Prl.Secretary(TW)
SF/SC

// FORWARDED:: BY ORDER//

SECTION OFFICER